

REMARKS

Claims 1-20 are pending in the application, with claims 1-10 and 12-20 being withdrawn due to the restriction requirement. Claim 11 has been amended herewith in order to reflect the invention believed to be elected by Dan Hudak, Jr. on June 25, 2010. During a telephone conversation with the Examiner, it was believed that the method of claim 11 included each of the steps positively set forth therein, and not simply applying chocolate to a graphics plate, etc. As the Applicant believed that all method steps set forth in claim 11 would be provided patentable weight, the preamble of claim 11 has been amended to define that Applicant's claim positively includes the steps of producing a mould plate former and producing a mould plate using the mould plate former in addition to the chocolate manufacturing steps. Therefore, Applicant respectfully requests consideration of each of the recited steps set forth in the body of the claim.

Claim 11 has been rejected under 35 U.S.C. §102 as being anticipated by Lucas, et al, WO 97/39636. It is respectfully submitted that the Lucas reference cannot anticipate the invention set forth in independent claim 11. Lucas does not include a scope and content that teaches the steps of producing a mould plate former by assembling a former plate, having a planar surface bounded by a border corresponding to the external dimensions of the mould plate; producing a plurality of former shapes, corresponding to the recesses to be formed in the mould plate; locating the former shapes in a template operable to locate the former shapes on the former plate; applying adhesive to the former shapes; and locating the former shapes on the former plate, using the template, to fix the former shapes to the former plate; producing a rubber mould plate using the mould plate former by mixing a silicone rubber compound with a hardener to form a solution; applying a vacuum to the solution to remove at least the majority of the air bubbles in the solution; pouring a preset weight of the solution into a mould former, and allowing the solution to settle; applying a clamping pressure to the mould assembly and allowing the silicone rubber to at least initially cure; and allowing the rubber to post cure before use.

As Applicant was not made aware that the indicated limitations would be ignored or not considered by the Examiner at the time of election, it is noted that claim 11 would

not have been elected. As the Applicant has limited funds, consideration of this amendment and each of the limitations set forth in clam 11 is earnestly solicited. Should there still remain any issues, a telephone call to Dan Hudak, Jr. would be greatly appreciated.

Respectfully submitted,

HUDAK, SHUNK & FARINE CO., L.P.A.

A handwritten signature in cursive script, appearing to read "Daniel J. Hudak", followed by the number "(32)" in parentheses.

By: Daniel J. Hudak
Registration No. 25,879

DJH/dp

2020 Front Street, Suite 307
Cuyahoga Falls, OH 44221-3257
(330) 535-2220

Attorney Docket No.: FISHER-Z-PCT-US